

3/3/04

# Adopted

Town of Riverhead Community Development Agency

Resolution # 3

Declares Lead Agency and Determines Environmental Significance Upon the Contract of Sale of Real Property to FRP Development Corp.

Member Densieski offered the following resolution,

which was seconded by Member Sanders:

**WHEREAS**, the Town of Riverhead Community Development Agency ("CDA") is considering designating FRP Development Corp. as a qualified and eligible sponsor pursuant to 507(2)(c) and (d) of the General Municipal Law and further considering the sale of approximately 150 acres of vacant land to allow the development of a theme attraction and other recreational and commercial uses at the Calverton Enterprise Park site; and

**WHEREAS**, the New York State Environmental Law and its implementing regulations require environmental review of any sale of the property by the Town of Riverhead Community Development Agency; and

**WHEREAS**, by resolution dated November 2, 1998, the Riverhead Town Board did adopt a Findings Statement pursuant to 6 NYCRR Part 617 respecting the redevelopment of the Calverton Enterprise Park site; such findings statement contemplating the sale of the entire property, or a portion thereof, for the redevelopment of the property, and

**WHEREAS**, the proposed contract of sale to FRP Development Corp. will not require either approvals or permits by any other governmental agency rendering coordinated review pursuant to 6 NYCRR Part 617 as neither constructive nor required; **NOW**

**THEREFORE, BE IT RESOLVED**, that in the matter of the contract of sale of approximately 150 acres of real property from the Riverhead CDA to the FRP Development Corp., the Riverhead CDA hereby declares itself to be the lead agency pursuant to 6 NYCRR Part 617 and further determines the action to be Type 1 pursuant to 6 NYCRR Part 617.4; and

**BE IT FURTHER RESOLVED**, that the proposed contract of sale is determined to be in conformance with the SEQRA Findings Statement as adopted by the Riverhead Town Board by Resolution dated November 2, 1998 and that a Supplemental Environmental Impact Statement need not be prepared prior to contract of sale, but will be required and prepared prior to any conveyance; and

**BE IT FURTHER RESOLVED**, that the Town Clerk shall provide a certified copy of this resolution to Charles Cuddy, Esq., 445 Griffing Avenue, Riverhead, NY 11901, Jack O'Connor, CBRE, Inc., 88 Froehlich Farm Blvd., Suite 100, Woodbury, NY 11797 and Community Development Agency Director Andrea Lohneiss.

**The Vote:**

Member Bartunek	<u>ABSENT</u>	
Member Sanders	<u>YES</u>	
Member Blass	<u>YES</u>	
Member Densieski	<u>YES</u>	<b>The Resolution is ADOPTED.</b>
Chairman Cardinale	<u>YES</u>	

**THE VOTE**  
**ABSENT**  
Bartunek yes no Sanders ✓ yes no  
Blass ✓ yes no Densieski ✓ yes no  
Cardinale ✓ yes no  
**THE RESOLUTION x WAS no WAS NOT**  
**THEREFORE DULY ADOPTED**

## Resolution # 4

A Resolution Calling a Public Hearing on the Community Development Agency's Designation of FRP Development Corp. as a Qualified and Eligible Sponsor for Redevelopment of Approximately 150 acres of Vacant Land at the Former Naval Weapons Industrial Reserve Plant, Calverton Regarding for the Sale by the CDA of Such Property to FRP Development Corp. for Redevelopment as a Theme Park and for other Recreational and Commercial Purposes and Uses

Member Sanders offered the following resolution,

which was seconded by Member Densieski :

**WHEREAS**, the Town of Riverhead Community Development Agency ("CDA") is the owner of an approximately 2,400 acre parcel of land, together with the buildings located thereon, in Riverhead, which land is known as the former Naval Weapons Industrial Reserve Plant (Calverton Site) a portion of which is located within an Empire Zone duly designated as such pursuant to the New York State Economic Development Zone Act, being Article 18-B of the General Municipal Law; and

**WHEREAS**, there has been submitted to the CDA a proposal for, and the CDA is considering, (i) designating FRP Development Corp., a corporation organized and existing under the laws of New York, the "qualified and eligible sponsor" (Sponsor), pursuant to Section 507(2)(c) and (d) of the General Municipal Law and in accordance with the established rules and procedures provided by the CDA, for the redevelopment of approximately 150 acres of vacant land of the Calverton Site, and other rights in connection therewith ("the Property") and (ii) selling the Property, pursuant to 507(2)(d), 556(2) and 968(b) of the General Municipal Law to FRP Development Corp. pursuant to certain Agreement of Sale by and between the CDA and FRP Development Corporation, a draft of which Agreement of Sale is on file in the office of the Town Clerk of the Town of Riverhead and is available for public inspection during regular business hours ("the Agreement of Sale," for \$50,000 per acre for redevelopment by FRP Development Corporation as a theme park and for other recreational and/or commercial purposes and uses; and

**WHEREAS**, Sections 556(2), 507(2)(c) and (d), and 968(b) of the General Municipal Law require that a public hearing, following at least ten (10) days public notice, be held by the Agency on the question of designating FRP Development Corporation the Sponsor for the redevelopment of the Property and selling the Property to FRP Development Corp.; and

**WHEREAS**, the Town of Riverhead ("Town"), pursuant to Article 8 of the Environmental Conservation Law and the regulations promulgated thereunder by the State Department of Environmental Conservation ("SEQRA") has by Resolution Number 614 of 1998 accepted a final Generic Environmental Impact Statement upon the redevelopment of the Calverton Site and has further adopted a Findings Statement contemplating the sale of the Real Property or a portion thereof; and

**WHEREAS**, the CDA, pursuant to SEQRA, declared itself lead agency by Resolution dated March 3, 2004 for the sale of the Property to FRP Development Corporation, determined such sale of the Property to be a Type I Action pursuant to SEQRA, determined that such sale of the Property is in conformance with such Findings Statement resulting from such Generic Environmental Impact Statement and determined that such sale of the Property does not pose significant impacts to either the natural or social environment and that a Supplemental Environmental Impact Statement need not be prepared pursuant to SEQRA; and

**WHEREAS**, the CDA now desires to call a public hearing on the designation of FRP Development Corp. as the Sponsor for the redevelopment of the Property and the sale of the Property by the Agency to FRP Development Corp.; and

**WHEREAS**, a majority of the Town Board, acting as Members of the CDA, will attend such hearing; Now

**THEREFORE, BE IT FURTHER RESOLVED**, as follows:

Section 1. A public hearing will be held at Town Hall, 200 Howell Avenue in Riverhead, New York, in said Town on March 16, 2004 at 2:05 p.m., prevailing time, on the question of designating FRP Development Corp. the Sponsor for the redevelopment of the Property regarding the sale of the Property by the CDA to FRP Development Corp., and to hear all interested persons in the subject thereof, concerning the same, and to take such action thereon as is required or authorized by law.

Section 2. The Secretary of the CDA is hereby authorized and directed to cause a copy of the Notice of Public Hearing hereinafter provided to be published once in the News-Review, the newspaper hereby designated as the official newspaper for this purpose and one having general circulation in, and available to residents of, the Town of Riverhead, such publication to be made not less than ten (10) days before the date designated for the hearing. The Secretary is hereby further authorized and directed to cause a copy of such Notice of Public Hearing to be posted in such places as she deems appropriate under the circumstances, such posting to be done not less than ten (10) days before the date designated for the hearing.

Section 3. The Notice of Public Hearing shall be in substantially in the form attached hereto.

**THEREFORE, BE IT FURTHER RESOLVED**, that the Town Clerk shall provide a certified copy of this resolution to Charles Cuddy, Esq., 445 Griffing Avenue, Riverhead, NY 11901, Jack O'Connor, CBRE, Inc., 88 Froehlich Farm Blvd., Suite 100, Woodbury, NY 11797 and Community Development Agency Director Andrea Lohneiss.

**The Vote:**

Member Bartunek	<u>ABSENT</u>
Member Sanders	<u>YES</u>
Member Blass	<u>YES</u>
Member Densieski	<u>YES</u>
Chairman Cardinale	<u>YES</u>

<u>ABSENT</u>		THE VOTE	
<u>Bartunek</u>	<u>yes</u> <u>no</u>	Sanders	<u>✓</u> <u>yes</u> <u>no</u>
<u>Blass</u>	<u>✓</u> <u>yes</u> <u>no</u>	Densieski	<u>✓</u> <u>yes</u> <u>no</u>
		Cardinale	<u>✓</u> <u>yes</u> <u>no</u>
THE RESOLUTION <u>X</u> WAS <u>  </u> WAS NOT			
THEREFORE DULY ADOPTED			

**The Resolution is ADOPTED.**

## **Notice of Public Hearing**

Town of Riverhead Community Development Agency  
Town of Riverhead, Suffolk County, New York

NOTICE IS HEREBY GIVEN that the Members of the Town of Riverhead Community Development Agency, Town of Riverhead, Suffolk County, New York (CDA) will meet at the Town of Riverhead Town Hall, 200 Howell Avenue, Riverhead, NY, in said Town, on March 16, 2004 at 2:05 p.m., prevailing time for the purpose of conducting a public hearing on whether FRP Development Corp. should be designated the "qualified and eligible sponsor" for the redevelopment of approximately 150 acres of vacant land at the CDA-owned Calverton site, being the former Naval Weapons Industrial Reserve Plant, Calverton (Calverton Site) and whether the Property should be sold to FRP Development Corp. pursuant to a certain Agreement of Sale by and between the CDA and FRP Development Corp., a draft of which Agreement of Sale is on file in the Office of the Town Clerk of the Town of Riverhead and is available for public inspection during regular business hours ("Agreement of Sale") for \$50,000 per acre in cash with no financing contingency, for redevelopment of the Property by FRP Development Corp. as a theme park and for other recreational and/or commercial purposes and uses.

The Town of Riverhead, pursuant to Article 8 of the Environmental Conservation Law and the regulations promulgated thereunder by the State Department of Environmental Conservation ("SEQRA") has by Resolution #614 of 1998 accepted a final Generic Environmental Impact Statement upon the redevelopment of the Calverton Site and has further adopted a Findings Statement contemplating the sale of the Real Property or a portion thereof.

The CDA, pursuant to SEQRA, declared itself "lead agency" by Resolution dated March 3, 2004 for the sale of the Property to FRP Development Corp. determined such sale of the Property to be a Type I Action pursuant to SEQRA, determined that such sale of the Property is in conformance with such Findings Statement resulting from such Generic Environmental Impact Statement and determined that such sale of the Property does not pose significant impacts to either the natural or social environment and that a Supplemental Environmental Impact Statement need not be prepared pursuant to SEQRA.

At said public hearing the Members of the Agency will hear all persons interested in the subject matter thereof.

Dated: Riverhead, New York  
March 3, 2004

BY ORDER OF MEMBERS OF THE TOWN OF RIVERHEAD COMMUNITY  
DEVELOPMENT AGENCY, TOWN OF RIVERHEAD, SUFFOLK COUNTY

By \_\_\_\_\_  
Andrea Lohneiss